

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,  
OPENAI LP, OPENAI GP, LLC, OPENAI,  
LLC, OPENAI OPCO LLC, OPENAI GLOBAL  
LLC, OAI CORPORATION, LLC, OPENAI  
HOLDINGS, LLC,

Defendants.

Case No. 1:23-cv-11195-SHS

**DECLARATION OF ANDREW M. GASS  
IN SUPPORT OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

I, ANDREW M. GASS, declare as follows:

1. I am a partner at the law firm of Latham & Watkins LLP, and I am counsel for Defendants OpenAI, Inc., OpenAI LP, OpenAI GP, L.L.C., OpenAI, L.L.C., OpenAI OpCo, LLC, OpenAI Global, LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, (together, “OpenAI”).
2. I respectfully submit this declaration in support of my Motion to Admit Counsel *Pro Hac Vice*.
3. I am a member in good standing of the bar of the State of California and was admitted on December 5, 2008.
4. I attach a certificate of good standing from the Supreme Court of the State of California, which was issued within thirty days of this filing, as **Exhibit A** to my motion for admission *pro hac vice*.
5. I have never been convicted of a felony or been the subject of any criminal conviction.
6. I have never been censured, suspended, disbarred or denied admission or readmission by any court.

7. I have never been the subject of a disciplinary sanction and there are no disciplinary proceedings presently pending against me.

Wherefore your declarant respectfully submits that he be permitted to appear as counsel *pro hac vice* in this one case on behalf of Defendants OpenAI, Inc., OpenAI LP, OpenAI GP, L.L.C., OpenAI, L.L.C., OpenAI OpCo, LLC, OpenAI Global, LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, (together, “OpenAI”).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 29, 2024

/s/ Andrew M. Gass  
Andrew M. Gass